

Message Text

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ACTION ACDA-10

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E.O. 11652: N/A

TAGS: USIRJC, TECH, IR

SUBJ: IRANIAN COMMENTS ON DRAFT AGREEMENT ON ATOMIC
ENERGY

REF: TEHRAN 2862

1. FOLLOWING IS TEXT OF AN INFORMAL NOTE RECEIVED BY
THE EMBASSY FROM THE ATOMIC ENERGY ORGANIZATION OF IRAN
APRIL 9.

2. BEGIN TEXT. THE ATOMIC ENERGY ORGANIZATION OF IRAN
WOULD LIKE TO TAKE ADVANTAGE OF THE OPPORTUNITY OF THE
PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT
OF IRAN CONCERNING CIVIL USES OF ATOMIC ENERGY AND HAS
THE HONOR TO STATE WHAT FOLLOWS: IT IS WELL KNOWN
THAT THE ATTITUDE OF THE GOVERNMENT OF IRAN TOWARD THE
TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPON (NPT)
HAS CONSISTENTLY BEEN ONE OF SUPPORTING THIS TREATY BOTH
WITHIN THE UNITED NATIONS AND ELSEWHERE. IN THIS RESPECT
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IT MIGHT BE OF INTEREST TO RECALL CHRONOLOGICALLY

THAT ON JUNE 12, 1968 THE U.N. HAVING ADOPTED THE RESOLUTION CONCERNING NPT. IRAN HAS ALMOST PROMPTLY INSTRUCTED HER PLENIPOTENTIARIES IN WASHINGTON, LONDON, MOSCOW TO SIGN ON HER BEHALF ON JULY 1, 1968 THE NPT THUS RANGING HERSELF AMONG THE FIRST NATIONS TO SUPPORT THIS TREATY. FURTHERMORE, DESIRING TO CONTRIBUTE TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY BY BOLSTERING AND EXPANDING THE EXISTING REGIONAL AND GLOBAL STRUCTURES FOR THE PROHIBITION AND/OR PREVENTATION OF THE FURTHER SPREAD OF NUCLEAR WEAPON AND RECALLING THE MESSAGE SENT BY HIS IMPERIAL MAJESTY THE SHAHANSHAH OF IRAN TO THE UNITED NATIONS (A/9693/ADD.3) ON 16 SEPTEMBER 1974 ON THE ESTABLISHMENT OF A NUCLEAR-WEAPON FREE ZONE IN THE REGION OF THE MIDDLE EAST, IRAN IS PROUD TO HAVE BEEN THE INITIATOR OF THE RESOLUTION ADOPTED ON 9 NOVEMBER 1974 BY U.N. MAKING THE MIDDLE EAST A NUCLEAR WEAPON FREE ZONE. IN VIEW OF IRAN'S CONSTANT POLICY TO STAND AMONG THE COMMUNITY OF NATIONS FOR A NON-PROLIFIRATION TREATY AGREEMENT, IT IS NATURALLY EXPECTED THAT IN THE PROPOSED AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY THE GOVERNMENT OF THE UNITED STATES WOULD NOT PROPOSE REQUIREMENTS AS STRINGENT FOR IRAN AS THOSE FOR NATIONS WITHOUT NPT AGREEMENT OR THOSE NATIONS FALLING IN OTHER CATEGORIES.

3. AS FOR THE PROVISIONS OF THE PROPOSED AGREEMENT, THIS ORGANIZATION IS DRAWING ATTENTION TO THE FOLLOWING:

ARTICLE I - TO ADD IN THIS ARTICLE, PARAGRAPHS 1 AND 2 THE ATOMIC ENERGY ORGANIZATION OF IRAN AS THE GOVERNMENTAL REPRESENTATIVE. FURTHER, WITH REGARD TO THE DETERMINATION OF SOURCE AND SPECIAL NUCLEAR MATERIAL IN ARTICLE 1, PARAGRAPHS 11 AND 12 IT NORMALLY WILL HAVE TO BE BY EITHER PARTY AND NOT THE UNITED STATES ONLY.

FURTHERMORE, ARTICLE 1, PARAGRAPH 7 CONTAINS A DEFINITION NOT PREVIOUSLY SEEN IN NUCLEAR COOPERATION BILATERAL AGREEMENTS BETWEEN THE U.S. AND OTHER GOVERNMENTS.

ARTICLE III - TO CHANGE THE WORDS MAY AND WILL INTO SHALL ADDING AT THE END OF ARTICLE AFTER FACILITIES: AND SHALL INCLUDE INFORMATION IN THE FOLLOWING FIELDS.
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1. DEVELOPMENT, DESIGN, CONSTRUCTION, OPERATION, AND USE OF RESEARCH, MATERIALS TESTING, EXPERIMENTAL, DEMONSTRATION POWER, AND POWER REACTORS, AND REACTOR EXPERIMENTS.

2. THE USE OF RADIOISOTOPE AND SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, AND BY PRODUCT MATERIAL IN PHYSICAL, METALLURGICAL, CHEMICAL AND BIOLOGICAL RESEARCH, MEDICINE, AGRICULTURE, AND INDUSTRY; AND

3. HEALTH AND SAFETY PROBLEMS RELATED TO THE FOREGOING.

ARTICLE VII - ARTICLE VII DOES NOT CONTAIN THE PROVISIONS FOUND IN OTHER BILATERAL AGREEMENTS SUCH AS THE AGREEMENT WITH AUSTRIA, WHICH IS THE LATEST BILATERAL AGREEMENT FOR POWER FACILITIES ENTERED INTO BY THE UNITED STATES. THE PROVISIONS THAT REMAIN IN ARTICLE VII OF THE PROPOSED IRANIAN AGREEMENT REFER ONLY TO (TRANSFER) OF NUCLEAR MATERIALS.

THE ISSUE OF OWNERSHIP OF THE MATERIALS IS UNCERTAIN. THE UNCERTAINTY CONCERNING THE PHRASE (TRANSFER) WILL HAVE TO BE CLARIFIED. FURTHERMORE, IN LIGHT OF ANNOUNCED U.S. POLICY TO ENCOURAGE PRIVATE ENRICHMENT PROGRAMS, THIS ARTICLE SHOULD BE MODIFIED TO MAKE CLEAR THAT TRANSFERS MAY BE MADE BY THE ADMINISTRATION AND BY (AUTHORIZED PERSONS UNDER ITS JURISDICTION). AS A WHOLE, IT IS HIGHLY DESIRABLE TO TAKE SIMILAR PROVISIONS CONTAINED IN ARTICLE VIII OF AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA AS A MODEL.

ARTICLE VIII - THIS ARTICLE CONTAINS THE MAJOR CHANGES IN THE PROPOSED IRANIAN AGREEMENT. FURTHER, WHILE SOME AGREEMENTS DO NOT LIMIT THE AMOUNT OF ENRICHED URANIUM TO THE AMOUNT NEEDED AT ANY ONE TIME, THE PROPOSED AGREEMENT TO IRAN CONTAINS SUCH A PROVISION AT U.S. DISCRETION.

FINALLY, ANOTHER STANDARD PROVISION REQUIRES THAT THE GOVERNMENT OF IRAN SHALL BEAR ALL RESPONSIBILITY FOR THE SAFE HANDLING OF MATERIALS (AFTER DELIVERY). IT IS RECOMMENDED THAT CONSIDERATION BE GIVEN TO ALL ABOVE MENTIONED POINT AND TO MODIFY SECTION E TO READ: (THE PARTIES SHALL AGREE UPON MEASURES CONCERNING THE EFFECTIVE PHYSICAL SECURITY OF MATERIALS EQUIPMENT AND LIMITED OFFICIAL USE

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DEVICES SUBJECT TO ARTICLE X OF THIS AGREEMENT, AND THE GOVERNMENT OF IRAN GUARANTEES TO MAINTAIN THE EFFECTIVE APPLICATION OF THE AGREED MEASURES. THE AGREED MEASURES SHALL BE REVIEWED FROM TIME TO TIME AT THE REQUEST OF EITHER PARTY WITH A VIEW TO REACHING AGREEMENT UPON ANY REVISIONS WHICH MAY BE NEEDED TO MAINTAIN EFFECTIVE PHYSICAL SECURITY.)

ARTICLE X - GOVERNMENT OF IRAN GUARANTIES STANDARD PROVISIONS HAVE BEEN USED EXCEPT THAT, IN ADDITION TO OTHER RESTRICTIONS, IN THE PROPOSED AGREEMENT FOR IRAN IT IS TWICE STATED, SPECIAL NUCLEAR MATERIAL MAY NOT BE USED FOR (OTHER NUCLEAR EXPLOSIVE DEVICES). IT IS RECOMMENDED THAT THE RELATED ARTICLE OF AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE U.S. AND THE REPUBLIC OF AUSTRIA BE TAKEN AS A MODEL.

ARTICLE XI - SECTION C OF THIS ARTICLE CONTAINS THE
TERMINATION CLAUSE FOR THE AGREEMENT MAKING IT POSSIBLE
TO GET BACK POWER REACTORS WITHOUT ANY COMPENSATION.
COMPENSATION PROVISIONS FOR ANY ITEMS REQUIRED TO BE
RETURNED NORMALLY WILL HAVE TO BE INCLUDED AS THIS
ORGANIZATION FAILS TO UNDERSTAND THE PRACTICAL IMPLEMEN-
TATION OF THE RIGHT ACCORDED UNDER SECTION C OF THIS
ARTICLE. END TEXT.

4. ACTION REQUESTED: PLEASE ADVISE SOONEST WHETHER
IT USG VIEW FOREGOING PROVIDES FEASIBLE
BASIS FOR FURTHER NEGOTIATION OF U.S.- IRAN NUCLEAR
COOPERATION AGREEMENT. IF JUDGMENT AFFIRMATIVE,
REQUEST APPROPRIATE TEAM BE SENT TO IRAN SOME TIME
DURING PERIOD APRIL 20-30 AS REQUESTED BY AEOI PRESIDENT
ETEMAD. IF TEAM TO BE DISPATCHED, WE REQUIRE EARLIEST
POSSIBLE NOTIFICATION OF TRAVEL PLANS BECAUSE HOTEL
ACCOMMODATIONS NEAR IMPOSSIBLE TO OBTAIN ON SHORT
NOTICE.
HELMS

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